

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

AMANDA RENNER, individually, and as parent)
and natural guardian of K.S., a minor,)
)
Plaintiff,)
)
) Civil Action No. 2:22-cv-2628
v.)
)
POLARIS INDUSTRIES INC. and POLARIS)
INC.,)
)
Defendants.)
)
) (Removed from the Circuit Court
) for Tipton County, Tennessee,
) Case No. 7983)

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendants Polaris Industries Inc. and Polaris Inc. (collectively, “Polaris”) give notice of the removal of this action from the Circuit Court for Tipton County, Tennessee, Case No. 7983 (the “State Court Action”) to the United States District Court for the Western District of Tennessee, Western Division. As grounds for this removal, Polaris states as follows:

GROUND FOR REMOVAL

1. On August 4, 2022, Plaintiff filed a complaint (the “Complaint”) in the State Court Action against Polaris. The Complaint asserts claims arising out of an accident related to a side-by-side vehicle, which occurred on or about August 5, 2021. *See Exhibit 1*, Complaint and First Set of Interrogatories and Requests for Production to all Defendants.

2. Plaintiff served Polaris Industries Inc. with a copy of the Summons and Complaint on August 22, 2022. *See Exhibit 2*, Return of Service.

3. Plaintiff served Polaris Inc. with a copy of the Summons and Complaint on August 22, 2022. *See Exhibit 3*, Return of Service.

4. Removal is timely pursuant to 28 U.S.C. § 1446(b) because this Notice of Removal is filed within thirty days after receipt of service of the Summons and Complaint.

5. This Court's subject matter jurisdiction is based upon diversity of citizenship of the parties, pursuant to 28 U.S.C. §§ 1332 and 1441(b).

6. At the time Plaintiff filed the State Court Action and at the time of removal, Plaintiff was and is a citizen of the State of Tennessee. *See Exhibit 1*, Complaint, ¶ 1(a).

7. At the time Plaintiff filed the State Court Action and at the time of removal, Polaris Industries Inc. is a Delaware corporation with its principal place of business in Minnesota. Accordingly, Polaris Industries Inc. is a citizen of the States of Delaware and Minnesota.

8. At the time Plaintiff filed the State Court Action and at the time of removal, Polaris Inc. is a Minnesota corporation with its principal place of business in Minnesota. Accordingly, Polaris Industries Inc. is a citizen of the State of Minnesota.

9. The Complaint seek damages “in an amount to be determined by jury not to exceed FIVE MILLION DOLLARS (\$5,000,000) for the personal injuries, losses, lost wages, medical bills, future medical expenses, and pain and suffering” for her “catastrophic injuries.” *See Exhibit 1*, Complaint, ¶¶ 30–31. Although Polaris denies Plaintiff is entitled to any of the relief requested in the Complaint, the value of Plaintiff’s alleged damages exceeds the jurisdictional minimum of \$75,000, exclusive of interest and costs. *See* 28 U.S.C. §§ 1332(a) and 1446(c)(2).

VENUE

10. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1441(a) and 1446(a) because this Court is the federal judicial district embracing the place where the State Court Action was originally filed.

OTHER PROCEDURAL REQUIREMENTS

11. Pursuant to 28 U.S.C. § 1446(b), all defendants join in and consent to the removal of the State Court Action to this Courts. *See* 28 U.S.C. § 1446(b).

12. Pursuant to 28 U.S.C. § 1446(d), Polaris will file written notice of the removal of this action, together with a copy of this Notice of Removal, with the Clerk of the Circuit Court for Tipton County, Tennessee and serve a copy on Plaintiff's counsel.

13. Nothing in this Notice of Removal shall be interpreted or construed as a waiver or relinquishment of any of Polaris's rights to assert any and all defenses or affirmative matters, including, but not limited to, a motion to dismiss the Complaint, or any other challenge or defense as may be appropriate.

PRAAYER

Polaris respectfully submits that, based upon the allegations set forth in this Notice of Removal, this Court has jurisdiction over this matter and it is properly removed.

Respectfully submitted,

s/E. Todd Presnell

E. Todd Presnell (BPR #17521)
R. Brandon Bundren (BPR #30985)
Casey L. Miller (BPR #33952)
BRADLEY ARANT BOULT CUMMINGS LLP
1600 Division Street, Suite 700
Nashville, Tennessee 37203
P: 615.244.2582
F: 615.252.6380
tpresnell@bradley.com
bbundren@bradley.com
cmiller@bradley.com

*Attorneys for Defendants Polaris Industries Inc. and
Polaris Inc.*

CERTIFICATE OF SERVICE

I certify that on September 19, 2022, I electronically filed a true and correct copy of the Notice of Removal with the Clerk of Court for the U.S. District Court, Western District of Tennessee, through the Court's Electronic Case Filing System. I further certify that a copy of the Notice of Removal is being forwarded via U.S. Mail as follows:

Amber Griffin Shaw
Harris Shelton Hanover Walsh, PLLC
114 West Liberty Avenue
Suite 202, Hotel Lindo Bldg.
Covington, Tennessee 38019-0846

s/E. Todd Presnell

E. Todd Presnell